

# Order

Michigan Supreme Court  
Lansing, Michigan

June 4, 2008

Clifford W. Taylor,  
Chief Justice

133430 & (96)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

TACCO FALCON POINT, INC.,  
Plaintiff/  
Counter-Defendant-Appellee,

v

SC: 133430  
COA: 271525  
Oakland CC: 2002-042917-CZ

DAVID M. CLAPPER,  
Defendant/Counter-Plaintiff/  
Third-Party Plaintiff-Appellant/  
Cross-Appellee,

v

ART MIDWEST, INC.,  
Intervening Third-Party  
Defendant-Appellee,

and

AMERICAN REALTY INVESTORS, INC., and  
AMERICAN REALTY TRUST, INC.,  
Third-Party Defendants-Appellees/  
Cross-Appellants,

and

ART MIDWEST, L.P.,  
Third-Party Defendant.

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On order of the Court, the application for leave to appeal the February 1, 2007 judgment of the Court of Appeals and the application for leave to appeal as cross-appellant are considered, and they are DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

CAVANAGH, J., would remand this case to the trial court for the reasons stated in the Court of Appeals dissenting opinion.



t0528

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 4, 2008

*Corbin R. Davis*

Clerk